

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TIMOTHY MARCUS MAYBERRY,

Plaintiff,

v.

STACY HALL,

Defendant.

CAUSE NO. 3:22-CV-45-DRL-MGG

OPINION AND ORDER

Timothy Marcus Mayberry, a prisoner without a lawyer, moves the court for reconsideration from its order granting summary judgment in favor of defendant Stacy Hall. ECF 68. The court granted summary judgment in favor of Ms. Hall because the undisputed facts showed Mr. Mayberry was still in the process of exhausting his administrative remedies when he filed his amended complaint against Ms. Hall. ECF 66. In his motion for reconsideration, Mr. Mayberry argues the court erred in granting summary judgment because he provided evidence the grievance process was unavailable to him when he filed his initial complaint. ECF 68 at 1-3. However, the court already considered and rejected this argument in its order granting summary judgment. *See* ECF 66 at 4 (“Therefore, even assuming Mr. Mayberry’s administrative remedies were unavailable at the time he filed his initial complaint, the undisputed facts show he had available administrative remedies he had not exhausted at the time he filed his first amended complaint”); *see also Barnes v. Briley*, 420 F.3d 673, 678 (7th Cir. 2005) (holding that, where an amended complaint raises a new claim not previously raised in the initial

complaint, the relevant date for exhaustion purposes is the filing of the amended complaint). Because the court already considered and rejected this argument, Mr. Mayberry has not provided any argument that warrants reconsideration of the court's order granting summary judgment. *See Publishers Res., Inc. v. Walker-Davis Publ'ns, Inc.*, 762 F.2d 557, 561 (7th Cir. 1985) ("Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence"); *Caisse Nationale de Credit Agricole v. CBI Industries, Inc.*, 90 F.3d 1264, 1270 (7th Cir. 1996) (noting that "[r]econsideration is not an appropriate forum for rehashing previously rejected arguments or arguing matters that could have been heard during the pendency of the previous motion").

For these reasons, Mr. Mayberry's motion for reconsideration (ECF 68) is DENIED.

SO ORDERED.

October 30, 2023

s/ Damon R. Leichty
Judge, United States District Court